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**From:** Robinson, Valois [Robinson.Valois@epa.gov]  
**Sent:** 12/28/2020 7:03:14 PM  
**To:** Sierra-Lopez, Omar [Sierra-Lopez.Omar@epa.gov]  
**CC:** Chin, Lucita [Chin.Lucita@epa.gov]  
**Subject:** RE: Service of EAB Appeal filed by Oglala Sioux Tribe in re Powertech (USA) Inc Class III and Class V UIC permits

No problem! I appreciate you hopping right on it!

*Valois*

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Valois Robinson  
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**From:** Sierra-Lopez, Omar <Sierra-Lopez.Omar@epa.gov>  
**Sent:** Monday, December 28, 2020 12:03 PM  
**To:** Robinson, Valois <Robinson.Valois@epa.gov>  
**Cc:** Chin, Lucita <Chin.Lucita@epa.gov>  
**Subject:** Re: Service of EAB Appeal filed by Oglala Sioux Tribe in re Powertech (USA) Inc Class III and Class V UIC permits

Sorry, I didn't notice this email was sent to Deb and Darcy, and you were Cc'd.

Ok, thanks for the update.

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**From:** Robinson, Valois <Robinson.Valois@epa.gov>  
**Sent:** Monday, December 28, 2020 11:34 AM  
**To:** Sierra-Lopez, Omar <Sierra-Lopez.Omar@epa.gov>  
**Cc:** Chin, Lucita <Chin.Lucita@epa.gov>  
**Subject:** RE: Service of EAB Appeal filed by Oglala Sioux Tribe in re Powertech (USA) Inc Class III and Class V UIC permits

Hi Omar,

Thanks for checking in!

Lucita is working today and reviewing the appeal document. I have downloaded the document and 35 attachments to the "Dewey-Burdock Appeal" folder on our UIC SharePoint site.

I have not spoken with Lucita about a plan yet. I think she will take the lead. Paul Logan will be involved, because one of the issues is our Tribal Consultation process with the Oglala Sioux Tribe.

Other issues include:

Scope of the Cumulative Effects Analysis  
NEPA Functional Equivalence

Early documents used to help Powertech develop the AE boundary and permit application that the Tribe is saying constitutes a rulemaking and collaboration with Powertech without providing an opportunity for public involvement.

There was mention of the ESA process, but it was related to USFW requiring a raptor plan, so it doesn't look like we need to defend our ESA process.

There may be some additional items that Lucita identifies.

*Valois*

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**From:** Sierra-Lopez, Omar <[Sierra-Lopez.Omar@epa.gov](mailto:Sierra-Lopez.Omar@epa.gov)>  
**Sent:** Monday, December 28, 2020 10:43 AM  
**To:** Robinson, Valois <[Robinson.Valois@epa.gov](mailto:Robinson.Valois@epa.gov)>  
**Subject:** Fw: Service of EAB Appeal filed by Oglala Sioux Tribe in re Powertech (USA) Inc Class III and Class V UIC permits

Valois: This is the Dewey appeal. I will need to contact Douglas to discuss the response. Do you know if Lucita is available this week?

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**From:** R8EISC <[R8EISC@epa.gov](mailto:R8EISC@epa.gov)>  
**Sent:** Monday, December 28, 2020 8:13 AM  
**To:** Minter, Douglas <[Minter.Douglas@epa.gov](mailto:Minter.Douglas@epa.gov)>; Sierra-Lopez, Omar <[Sierra-Lopez.Omar@epa.gov](mailto:Sierra-Lopez.Omar@epa.gov)>  
**Cc:** R8EISC <[R8EISC@epa.gov](mailto:R8EISC@epa.gov)>  
**Subject:** Fw: Service of EAB Appeal filed by Oglala Sioux Tribe in re Powertech (USA) Inc Class III and Class V UIC permits

Hello,

The US EPA Region 8 Information Center received the following email inquiry. We believe you are the subject matter expert for this topic. Please respond directly to the email below and cc [R8EISC@epa.gov](mailto:R8EISC@epa.gov) on your response. If you need additional information please contact Jeffrey C. Parsons <[wmap@igc.org](mailto:wmap@igc.org)>

Thank you,

US EPA, [R8 Information Center](#)



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**From:** Jeffrey C. Parsons <[wmap@igc.org](mailto:wmap@igc.org)>

**Sent:** Thursday, December 24, 2020 4:59 PM

**To:** Thomas, Deb <[thomas.debrah@epa.gov](mailto:thomas.debrah@epa.gov)>; O'Connor, Darcy <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>; R8EISC <[R8EISC@epa.gov](mailto:R8EISC@epa.gov)>

**Cc:** Robinson, Valois <[Robinson.Valois@epa.gov](mailto:Robinson.Valois@epa.gov)>

**Subject:** Service of EAB Appeal filed by Oglala Sioux Tribe in re Powertech (USA) Inc Class III and Class V UIC permits

Please find attached for purposes of service in accordance with the U.S. EPA Environmental Protection Agency Environmental Appeals Board's September 21, 2020 Revised Order Authorizing Electronic Service of Documents in Permit and Enforcement Appeals, a copy of the Petition for Review filed December 24, 2020 regarding Powertech (USA) Inc. UIC Class III Area Permit No. SD31231-00000 and Class V Area Permit No. SD52173-00000.

The attachments are quite voluminous (35 in all) and are not highly conducive to service via email (especially on a holiday). I would happy to send a flash/thumb drive if that is preferable, put them up on an accessible google docs/dropbox link, or I am happy to attempt email if that is preferable. They are all documents formally submitted to the administrative record in the comment phase. Please advise on your preference. Thank you.

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Jeffrey C. Parsons  
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